

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>MASI KHAJA,</p> <p>v.</p> <p>Respondent:</p> <p>MESA COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 52663</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 20, 2010, Diane M. DeVries and Sondra W. Mercier presiding. Petitioner was represented by AJ Morris, Agent. Respondent was represented by David Frankel, Esq. Petitioner is protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**2355 Yellow Cat Court, Grand Junction, Colorado
(Mesa County Schedule No. 2945-204-56-009)**

The subject is a 4,358 square foot single family residence, built in 2005. It is located in the Redlands Mesa Golf Course Community. The property includes a four-car heated garage, interior elevator and in-ground pool. The subject sold on May 29, 2007 in a non-arm's length, unqualified sale, which was given no consideration by either party.

Petitioner's agent, Mr. AJ Morris, presented an indicated value of \$1,050,000.00 for the subject property based on the sales price at Petitioner's purchase in June 2009. Petitioner provided no information regarding comparable sales. Petitioner, Dr. Khaja, testified that the property had structural issues including cracking in the garage area that were not given adequate consideration in Respondent's valuation. Petitioner provided no cost information in regards to structural concerns.

Petitioner is requesting a 2009 actual value of \$1,050,000.00 for the subject property.

Respondent presented an indicated value of \$2,100,000.00 for the subject property based on the market approach.

Respondent's witness, Mr. James Pickens, presented three comparable sales ranging in sales price from \$1,300,000.00 to \$2,100,000.00 and in size from 3,288 to 3,817 square feet. After adjustments were made, the sales ranged from \$1,711,000.00 to \$2,225,000.00.

Mr. Pickens placed the greatest reliance on Comparable Sale 1, with an adjusted sales price of \$2,062,000.00. Sale 1 occurred in March 2008, with no adjustment required for date-of-sale. It is located approximately 470 to 500 feet from the subject and received the least amount of adjustment. Secondary reliance was given to Comparable Sale 2, with an adjusted sales price of \$2,225,000.00.

Respondent assigned an actual value of \$2,075,640.00 to the subject property for tax year 2009.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2009.

Respondent's market approach provided sufficient comparable sales with supported adjustments to uphold the current assigned value. Petitioner provided no comparable sales data, insufficient support for alternate adjustments to Respondent's comparable sales, and concluded to a value based on the purchase price paid for the subject in June 2009, well beyond the statutory allowed base period.

ORDER:

The petition is denied.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.


Section 39-8-108(2), C.R.S.

DATED and MAILED this 29th day of June 2010.

BOARD OF ASSESSMENT APPEALS




Diane M. DeVries



Sondra W. Mercier

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.



Heather Flannery

